

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMOTHY D. MILES #20111030108,)
)
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 Plaintiff,)
)
)
 v.) No. 12 C 6305
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)
 SHERIFF TOM DART, et al.,)
)
)
 Defendants.)

MEMORANDUM ORDER

Timothy Miles ("Miles") has employed the form of 42 U.S.C. §1983 ("Section 1983") Complaint made available for use by persons in custody by this District Court's Clerk's Office to sue Sheriff Tom Dart and four members of his staff at the Cook County Department of Corrections ("County Jail"), including an Officer Villaneuva. Miles has also named two other County Jail detainees, Ray Rogers and Antonio Sampson, as codefendants. Miles has accompanied the Complaint with another Clerk's-Office-supplied form, an In Forma Pauperis Application ("Application").

To begin with the Application, it lacks the printout of transactions in Miles' trust fund account at the County Jail, required by 28 U.S.C. §1915 to enable this Court to make the calculation called for in that section as to Miles' payment of the \$350 filing fee on an installment basis. But because Miles has not advanced a viable Section 1983 claim in any event, this Court is inclined to spare him that financial burden.

There is no question from Miles' Complaint (which this Court

will credit for purposes of this memorandum order) that the two detainees whom he has named as codefendants assertedly attacked him physically without provocation. But the problem in that respect for Section 1983 purposes is that the County Jail personnel whom he has sued had no causal responsibility for that violation of his rights, so that no deprivation of a constitutional right took place.

Under the circumstances the Complaint plainly does not state a Section 1983 claim, so that both the Complaint and this action are dismissed. That moots the Application, which is denied on that basis.



Milton I. Shadur
Senior United States District Judge

Date: August 14, 2012